

THURSDAY, MAY 5, 1983

THIRTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend G. K. Harris, Grace United Presbyterian Church, Dyersburg, Tennessee.

Representative Dills led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--99.

The Speaker announced that Representative Bragg was excused to attend the Executive Committee meeting of N.C.S.L. in New York City

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

835--To amend Section 57-4-306, Code.

The Senate refused to recede from its action in adopting Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

352--To provide increase, taxes, criminal cases.

The Senate concurred in House Amendment No. 2 and nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

564--To regulate sale, alcoholic beverages.

The Senate concurred in House Amendment No. 2 and nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

663--To regulate competency, certain medical tests.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 190, 196, 272, 273, 340, 533, 582, 638, 705, 741, 765, 781, 870, 879, 880, 954, 979, 1021, 1123, 1129, 1136, 1181, 1183; and House Joint Resolutions Nos. 49, 138, 172, 173, 174, 175, 176, 183, 185, 188, 191, 193, 194, 195, 196, 198 and 213; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

INTRODUCTION OF BILL

Mr. Yelton moved that the rules be suspended for the purpose of introducing House Bill No. 1354 out of order, which motion prevailed.

House Bill No. 1354--to amend charter, Bluff City--By Yelton.

Passed first consideration.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 249 out of order, which motion prevailed.

House Joint Resolution No. 249--Relative to recess, House of Representatives--By Naifeh and Henry.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 249, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1185; and House Joint Resolution No. 249; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint

Resolutions Nos.:

53--Relative to study, compensation, Registrars-at-Large;

249--Relative to recess, House of Representatives; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill Nos. 99, 114, 116, 180, 251, 287, 327, 530, 549, 559, 614, 875, 1038, 1059 and 1082; also, Senate Joint Resolution No. 65; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 199, 229, 249, 260, 285, 321, 435, 517, 672, 965 and 1060; also, Senate Joint Resolution No. 40; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 271, 1127, 1180 and 1304; and House Joint Resolutions Nos. 142, 231 and 239; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 271, 1127, 1180 and 1304; House Joint Resolutions Nos. 142, 231 and 239; Senate Bills Nos. 99, 114, 116, 180, 199, 229, 249, 251, 260, 285, 287, 321, 327, 435, 517, 530, 549, 559, 614, 672, 875, 965, 1038, 1059, 1060 and 1082; Senate Joint Resolution Nos. 40 and 65;

Mr. Gafford moved that the rules be suspended in order to recall House Bill No. 1334 from the Committee on Calendar and Rules, which motion prevailed.

Mr. Gafford moved that the rules be suspended in order to place House Bill No. 1334 on the Consent Calendar for today, which motion prevailed.

CALENDAR

House Bill No. 1185--To make certain changes, bank control.

Mr. Webb moved that House Bill No. 1185 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Representatives voting no were: DeBerry and McKinney--2.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Senate Bill No. 1039--To reorganize Department of Public Health.

Mr. McAfee moved that Senate Bill No. 1039 be passed on third and final consideration.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1039 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Any funds appropriated by the provisions of House Bill No. 1161 (SB 869) or any other public act of 1983 to the department of public health shall be deemed to be an appropriation to the department of health and environment.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1039, as amended, passed its third and final consideration by the following vote:

Ayes 90
Noes 3

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

Representatives voting no were: Brewer, DeBerry and Shirley--3.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Cobb moved that House Bill No. 926 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1034--To make certain provisions, county boards of equalization.

On motion, House Bill No. 1034 was made to conform with Senate Bill No. 912.

On motion, Senate Bill No. 912, on same subject, was substituted for House Bill No. 1034.

Mr. Moore (Shelby) moved that Senate Bill No. 912 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia,

Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Wood moved that House Bill No. 1095 be placed 10 places down.

Mr. McKinney moved that House Bill No. 1095 be placed on the Calendar after lunch today, which motion failed by the following vote:

Ayes	34
Noes	48
Present and not voting	1

Representatives voting aye were: Bell, Burnett, Byrd, Chiles, Clark (Davidson), Cobb, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DePriest, Dills, Ellis, Gafford, Gaia, Herndon, Hudson, Jared, Johnson, Kernell, McKinney, Miller, Moore (Sullivan), Murphy, Naifeh, Napier, Owen, Pickering, Robinson (Hamilton), Sir, Stallings, Turner, Withers and Work--34.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Brewer, Buck, Clark (Sumner), Covington, Davis (Gibson), Disspayne, Duer, Elsea, Ford, Frensley, Harrill, Hassell, Henry, Hurley, Huskey, Kelley, Kent, King (Shelby), Kisber, McNally, Montgomery, Moore (Shelby), Murray, Nance, Percy, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Tanner, Ussery, Wallace, Webb, Whitson, Williams, Wix, Wolfe, Wood and Yelton--48.

Representative present and not voting was: Hillis--1.

Mr. Tanner moved that House Bill No. 1095 be placed ten places down on the Calendar, which motion prevailed by the following vote:

Ayes	70
Noes	14
Present and not voting	4

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Disspayne, Drew, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry,

Herndon, Hudson, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), King (Washington), Kisber, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--70.

Representatives voting no were: Bell, Byrd, Clark (Davidson), Covington, Crain, Davidson, DePriest, Ellis, Hurley, McKinney, Napier, Sir, Turner and Withers--14.

Representatives present and not voting were: Brewer, Hillis, Kernell and Owen--4.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer Speaker pro tem.

House Bill No. 994--To require registration, legal instruments.

Mr. McNally moved that House Bill No. 994 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 994 by deleting Section 1 in its entirety, and by substituting therefor the following:

Section 1. Tennessee Code Annotated, Section 66-24-109, is amended by deleting therefrom the words "at the rate of fifteen cents (15¢) per one hundred (100) words contained in the deed or instrument and certificate, and no more" and by substituting therefor the words "in accordance with the schedule set forth in Tennessee Code Annotated, Section 8-21-1001; provided, however that nothing herein shall be construed as authorizing or requiring the payment or collection of any additional transfer or other tax as a condition of such reregistration or rerecording".

AND FURTHER AMEND by deleting Sections 2, 3, and 4 in their entireties, by renumbering the original Section 6 as Section 3, and by inserting after Section 1 the following new Section 2:

Section 2. Tennessee Code Annotated, Section 66-24-110, is amended by deleting therefrom the words, symbols, and figures "Sections 66-24-110 and 66-24-111" in the two (2) places that they appear, and by substituting therefor in both such places the words "this chapter".

On motion, the amendment was adopted.

Thereupon, House Bill No. 994, as amended, passed its third and

final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--95.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 1156--To require corporate surety bonds, beer wholesalers.

On motion, House Bill No. 1156 was made to conform with Senate Bill No. 1086.

On motion, Senate Bill No. 1086, on same subject, was substituted for House Bill No. 1156.

Mr. Kelley moved that Senate Bill No. 1086 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford,

Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood and Yelton--94.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Turner moved that House Bill No. 686 be placed on the next available Calendar, which motion prevailed.

House Bill No. 574--To make certain provisions, higher Education.

Ms. DeBerry moved that House Bill No. 574 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 574 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ . Tennessee Code Annotated, Title 49, is amended by adding the following new section:

SECTION ____ . Notwithstanding any provision of law to the contrary, all state financial aid granted to students, whether in the form of a grant or loan, shall be first applied to tuition, room and board and the excess, if any, shall be distributed to the recipient.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 574 by deleting the words "and board" wherever they appear in Section 1 and 2.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 574 by adding the following language at the end of the amendatory language in SECTIONS 1 and 2:

Such board shall promulgate rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5 which (1) requires the room deposit of any student

participating in such program to be retained until the end of the quarter, semester or session, as is appropriate , and (2) denies readmittance to any student who participated in such program who left the institution without paying all charges and interest on such charges are paid in full.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 574 by deleting the last sentence of the amendatory language of Sections 1 and 2, as introduced, and by substituting instead the following:

Any increase in funds necessary to fund the administration of such program shall be charged as a special service charge to students participating in such program.

On motion, the amendment was adopted.

Thereupon, House Bill No. 574, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1142--To increase rate, retain sales tax.

On motion, House Bill No. 1142 was made to conform with Senate Bill No. 1084.

On motion, Senate Bill No. 1084, on same subject, was substituted for House Bill No. 1142.

Mr. McNally moved that Senate Bill No. 1084 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1084 House Bill No. 1142 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 67-3002(c), is amended by adding the following new item at the end of item (4):

(H) The furnishing of any advertisement for a consideration.

Tennessee Code Annotated, Section 67-3012(c), is amended by deleting the word "Newspapers" and substituting the following:

Newspapers, except for advertising taxed pursuant to Tennessee Code Annotated, Section 67-3002(c)(4)(H).

Tennessee Code Annotated, Section 67-3012(j), is further amended by deleting the semi-colon (;) and substituting the following:

, except for advertising taxed pursuant to Tennessee Code Annotated, Section 67-3002 (c)(4)(H);

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 67-3002(c), is amended by adding the following new item at the end of item (4):

(H) The furnishing of any advertisement for a consideration.

Tennessee Code Annotated, Section 67-3012(c), is amended by deleting the word "Newspapers" and substituting instead the following:

Newspapers, except for advertising taxed pursuant to Tennessee Code Annotated, Section 67-3002(c)(4)(H).

Tennessee Code Annotated, Section 67-3012(j), is further amended by deleting the semi-colon (;) and substituting the following:

, except for advertising taxed pursuant to Tennessee Code Annotated, Section 67-3002(c)(4)(H);

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

by deleting the words and figures "fifteen (15¢) cents" in Section 2 as amended, and by substituting instead the words and figures "twenty cents (20¢)".

AND FURTHER AMEND by deleting the words "County Trustee" wherever they appear in the act as amended, and by substituting instead the words "County Trustee or other officer designated to collect the tax pursuant to the provisions of a private act for such county".

AND FURTHER AMEND by deleting Section 6 as amended, in its entirety and by renumbering subsequent sections accordingly.

On motion, the amendment was withdrawn.

Mr. McKinney moved that House Bill No. 1084 be placed two places down on the Calendar today, which motion prevailed.

Mr. DePriest moved that the rules be suspended for the purpose of introducing House Resolution No. 77 out of order, which motion prevailed.

House Resolution No. 77--Relative to commending Miss Carol Norfleet--By DePriest, Henry, Davis (Gibson), Pickering, Wolfe, Stafford, Huskey and Robinson (Washington).

Mr. DePriest moved that the rules be suspended for the immediate consideration of House Resolution No. 77, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Speaker pro tem Brewer relinquished the Chair to Ms. DeBerry, Speaker pro tem.

Mr. Brewer moved that House Bill No. 1069 be placed on the next available Calendar, which motion prevailed.

House Bill No. 989--To increas privilege tax, criminal cases.

Mr. Stallings moved that House Bill No. 989 be passed on third and final consideration:

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 989 by deleting from the amendatory language of SECTION 1 the words and figure "three dollars (\$3.00)" and substituting instead the words and figure "two dollars (\$2.00)".

On motion, the amendment was adopted.

Mr. Stallings moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 989 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4102, Item J. (a) (2) is amended by deleting the words and figures "fifteen dollars and twenty-five cents (\$15.25)" and by substituting in lieu thereof the words and figures "seventeen dollars and twenty-five cents (\$17.25)", and by adding at the end of that subsection the following language:

"Notwithstanding the apportionment provisions of subsection (f) of this Item the first two dollars (\$2.00) of each levy of this tax shall be paid into the state treasury with the proceeds to be credited to a separate reserve account in the general fund to be used only by the department of education to promote and expand driver education through the public schools of this state."

On motion, the amendment was adopted.

Thereupon, House Bill No. 989, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	7
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--85.

Representatives voting no were: Chiles, Harrill, Henry, Montgomery, Murphy, Robertson and Scruggs--7.

Representatives present and not voting was: Hudson--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

EXPLANATION OF VOTE

Mr. Speaker,

I would like to explain my vote on HB 989. While I fully support the Driver's Education program, I feel it is wrong to add additional cost to criminal cases which have absolutely no relationship to the Driver's Education program. For that reason, I voted against HB 989.

Mike Robertson

FURTHER CONSIDERATION OF SENATE BILL NO. 1084

Senate Bill No. 1084--To provide 4 1/2% state retail sales tax rate.

Mr. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes	50
Noes	40
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Chiles, Clark (Sumner), Davis (Hamilton), Dills, Drew, Duer, Elsea, Ford, Frensley, Gafford, Harrill, Hassell, Henry, Hudson, Hurley, Huskey, Jared, Jones, Kelley, King (Washington), McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Stallings, Starnes, Ussery, Wallace, Webb, Whitson, Williams, Wolfe and Wood--50.

Representatives voting no were: Bell, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Disspayne, Ellis, Gaia, Gill, Herndon, Hillis, Johnson, Kernell, King (Shelby), Kisber, Love, McKinney, Miller, Murphy, Murray, Naifeh, Phillips, Robinson (Hamilton), Shirley, Sir, Tanner, Turner, Wheeler, Withers, Wix, Work and Yelton--40.

Representative present and not voting was: Owen--1.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1084 by deleting Section 1 in its entirety and substituting instead the following new section:

Section 1. Tennessee Code Annotated, Section 67-3003, is amended by deleting from the last sentence of subsections (a) through (e) thereof the figures "1983" and substituting instead the figures "1984" where they appear in each such subsection.

On motion, Amendment No. 2 failed.

Thereupon, Senate Bill No. 1084, passed its third and final consideration by the following vote:

Ayes	70
Noes	23
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Davis (Hamilton), Davis (Pickett), DePriest, Dills, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Huskey, Jared, Jones, Kelley, Kent, King (Washington), Love, McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Mr. Speaker McWherter--70.

Representatives voting no were: Brewer, Buck, Clark (Davidson), Crain, Davidson, Davis (Gibson), DeBerry, Disspayne, Dixon, Gafford, Hurley, Johnson, Kernell, King (Shelby), Kisber, McKinney, Miller, Owen, Robinson (Hamilton), Shirley, Turner, Wallace and Yelton--23.

Representatives present and not voting were: Covington and Pruitt--2.

A motion to reconsider was tabled.

House Bill No. 1056--To enact the Tuition Equalization Grant Program.

Mr. King (Shelby) moved that House Bill No. 1056 be passed on third and final consideration.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1056 in Section 2 by inserting between the words "annual payments" and words "shall be made" in the first

sentence thereof the words and punctuation ", from funds appropriated for that purpose,".

and by deleting Section 5, Section 6, Section 7, and by renumbering Section 8 accordingly.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1056 by adding the following language at the end of Section 2:

The provisions of this act shall not be construed to constitute an appropriation of funds and no funds shall be obligated or expended pursuant to the provisions of this act unless such funds are specifically appropriated by the provisions of the general appropriations act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1056, as amended, passed its third and final consideration by the following vote:

Ayes	76
Noes	16
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McNally, Miller, Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Wix, Wolfe, Work and Yelton--76.

Representatives voting no were: Bivens, Clark (Sumner), Cobb, Disspayne, Duer, Henry, Hudson, McAfee, Montgomery, Moore (Shelby), Moore (Sullivan), Scruggs, Smith, Whitson, Williams and Wood--16.

Representatives present and not voting were: McKinney and Pickering--2.

A motion to reconsider was tabled.

House Bill No. 1082--To set coon hunting season.

On motion, House Bill No. 1082 was made to conform with Senate Bill No. 858.

On motion, Senate Bill No. 858, on same subject, was substituted for House Bill No. 1082.

Mr. Robertson moved that Senate Bill No. 858 be passed on on third and final consideration.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 858 by deleting Section 1 in its entirety by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 51-420 is amended by designating the present language of subsection (a) as subsection (a)(1) and by adding the following new subsection (a)(2):

(a)(2) Notwithstanding the provisions of this section, this chapter or any public or private act to the contrary, in counties which are split by state route 56 and in counties which are located east of state route 56, the wildlife resource commission shall establish a minimum training season of not less than six (6) months each year, within which period coon dogs may be trained. Such coon dog training season shall not commence earlier than June 1 of each year. Such six (6) month period need not be consecutive. Within such training season no person chasing coons with dogs shall use or carry any firearms, axes or climbing instruments except during such open season as may be proclaimed pursuant to this section. No coon shall be killed or taken except during such open season. No coon shall be shot at any time in the year either from a boat or any type of motor vehicle. The wildlife resources commission shall establish a minimum coon hunting season of not less than six (6) weeks each year, which season shall not commence sooner than November 1 of each year. Such six (6) week period need not be consecutive. The wildlife resource commission shall have the authority to extend both the training season or hunting season, or both, to such additional periods of time as it deems justified based on the coon population in the area involved in any section or sections of the state.

On motion, the amendment was adopted.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 858 by deleting the following sentence in Section 1(a):

Provided, however, in each county for which the provisions of Tennessee Code Annotated, Section 54-441 establish a training season of less than six (6) months, the length of the training season shall be determined by the provisions of Tennessee Code Annotated, Section 54-441 but the actual opening and closing dates of such training season shall be determined each year by the wildlife resources commission.

AND FURTHER AMEND by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. To the extent that the provisions of this act conflict with the provisions of Tennessee Code Annotated, Section 51-441, any public act or any private act, the provisions of this act shall control and shall supercede such laws.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 858, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	1
Present and not voting	1

Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--92.

Representative voting no was: Cobb--1.

Representative present and not voting was: Pickering--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 747--To make certain provisions, abandoned vehicles.

On motion, House Bill No. 747 was made to conform with Senate Bill No. 800.

On motion, Senate Bill No. 800, on same subject, was substituted for House Bill No. 747.

Mr. Stafford moved that Senate Bill No. 800 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 800 by deleting the amendatory language of Section 2 and substituting instead the following new amendatory language:

Notwithstanding any other provision of this chapter to the contrary, the police department through its chief officer, after complying with the provisions of 55-16-105, may execute a written waiver of its right to sell a vehicle taken into custody under this chapter in favor of a garagekeeper, who has had such vehicle lawfully placed in his possession by the police department under the provisions of this chapter. The garagekeeper may then proceed to enforce his lien as provided in Tennessee Code Annotated, Section 66-19-103. As to third party purchasers, the sale of the abandoned vehicle shall be valid, but the garage keeper shall sell the vehicle in a commercially reasonable manner and his failure to do so may subject him to suit for monetary damages by either the true owner or a lien holde.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 800, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	5

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir,

Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work and Yelton--87.

Representatives voting no were: Chiles, Duer, Ford, Montgomery and Scruggs--5.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 1095--To set maximum effective rates of interest.

On motion, House Bill No. 1095 was made to conform with Senate Bill No. 828.

On motion, Senate Bill No. 828, on same subject, was substituted for House Bill No. 1095.

Mr. Copeland moved that Senate Bill No. 828 be passed on third and final consideration.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 828 by deleting in the amendatory subsection (3) in Section 1 the words and figures "five (5) percentage points" and by substituting instead the words "percentage points".

Mr. Copeland moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	43
Noes	50
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Chiles, Clark (Davidson), Copeland, Davis (Hamilton), Disspayne, Duer, Ellis, Elsea, Ford, Gafford, Gaia, Harrill, Henry, Hudson, Huskey, Kent, King (Washington), Kisber, Moore (Shelby), Murphy, Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Starnes, Tanner, Ussery, Webb, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--43.

Representatives voting aye were: Bell, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Gill, Hassell, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Sullivan), Murray, Naifeh, Napier, Owen, Pruitt, Robinson (Davidson), Shirley, Shockley, Sir, Stallings, Turner, Wallace, Wheeler, Whitson, Withers and Wix--50.

Representatives present and not voting were: Frensley and Work --2.

Mr. McKinney moved that previous question, which motion failed by the following vote:

Ayes	57
Noes	35

Representatives voting aye were: Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Ellis, Ford, Frensley, Gill, Harrill, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, Kisber, Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sir, Stafford, Stallings, Turner, Wallace, Webb, Whitson, Withers and Wix--57.

Representatives voting no were: Anderson, Chiles, Clark (Sumner), Copeland, Drew, Duer, Elsea, Gafford, Gaia, Hassell, Henry, Hudson, Huskey, Kent, King (Washington), McAfee, McNally, Montgomery, Moore (Shelby), Nance, Percy, Pickering, Robertson, Scruggs, Severance, Shockley, Smith, Starnes, Tanner, Ussery, Wheeler, Williams, Wolfe, Wood and Yelton--35.

Mr. Henry moved that Senate Bill No. 828 be placed on the next available Calendar.

Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	51
Noes	42
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Gafford, Gill, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, Love, McKinney, Miller, Murphy, Murray, Naifeh, Napier, Owen, Pruitt, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Shockley, Sir, Stallings, Turner, Wallace, Wheeler, Whitson, Withers, Wix and Work--51.

Representatives voting no were: Anderson, Atchley, Bivens, Brewer, Chiles, Clark (Sumner), Copeland, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Gaia, Harrill, Hassell, Henry, Hudson, Kent, King (Washington), Kisber, McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Smith, Stafford, Tanner, Ussery, Webb, Williams, Wolfe, Wood and Yelton--42.

Representative present and not voting was: Frensley--1.

Mr. Wallace moved the previous question, on the amendment, which motion failed by the following vote:

Ayes	60
Noes	33
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Gafford, Gill, Herndon, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kernell, Kisber, Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Shockley, Sir, Stallings, Starnes, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix and Work--60.

Representatives voting no were: Anderson, Atchley, Chiles, Clark (Sumner), Copeland, Disspayne, Drew, Duer, Elsea, Ford, Gaia, Harrill, Hassell, Henry, Huskey, Kent, King (Washington), McNally, Montgomery, Moore (Shelby), Nance, Pickering, Robertson, Scruggs, Severance, Smith, Stafford, Tanner, Ussery, Williams, Wolfe, Wood and Yelton--33.

Representative present and not voting was: Brewer--1.

Mr. McKinney moved that Senate Bill No. 828 be re-referred to the Committee on State and Local Government.

Mr. Henry moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	55
Noes	41
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Brewer, Chiles, Clark (Sumner), Copeland, Davis (Gibson), Davis (Hamilton), Disspayne, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry, Hudson, Huskey, Kelley, Kent, King (Shelby), King (Washington), Kisber, McAfee, McNally, Montgomery, Moore (Shelby), Murphy, Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter --55.

Representatives voting no were: Bell, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Gill, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kernell, Love, McKinney, Miller, Moore

(Sullivan), Murray, Naifeh, Napier, Owen, Pruitt, Robinson (Davidson), Shirley, Sir, Stallings, Turner, Wallace, Withers, Wix and Work--41.

Representative present and not voting was: Ellis--1.

Mr. Rhinehart moved the previous question, on the amendment which motion prevailed by the following vote:

Ayes	77
Noes	17
Present and not voting	2

Representatives voting aye were: Anderson, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Herndon, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood and Work--77.

Representatives voting no were: Atchley, Chiles, Copeland, Duer, Gaia, Harrill, Hassell, Henry, Huskey, McNally, Montgomery, Moore (Shelby), Nance, Robertson, Robinson (Hamilton), Smith and Yelton--17.

Representatives present and not voting were: Brewer and King (Shelby)--2.

Mr. Johnson moved that Amendment No. 1 be adopted, which motion failed by the following vote:

Ayes	43
Noes	50

Representatives voting aye were: Bell, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Dixon, Drew, Gill, Hassell, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, Love, McKinney, Miller, Moore (Sullivan), Murray, Naifeh, Napier, Owen, Pruitt, Robinson (Davidson), Shirley, Sir, Stallings, Turner, Wallace, Withers, Wix and Work--43.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Brewer, Chiles, Clark (Sumner), Covington, Davis (Hamilton), Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Henry, Huskey, Kent, King (Shelby), King (Washington), Kisber, McNally, Montgomery, Moore (Shelby), Murphy, Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance,

Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter --50.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 828 by deleting in the amendatory subsection (3) in Section 1 the words and figures "five (5) percentage points" and substituting instead the words and figures four (4) percentage points".

Mr. Buck moved the previous question, which motion prevailed by the following vote:

Ayes	88
Noes	1
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--88.

Representative voting no was: Scruggs--1.

Representatives present and not voting were: Brewer and Frensley--2.

Mr. Johnson moved that Amendment No. 2 be adopted, which motion prevailed by the following vote:

Ayes	62
Noes	30
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Dixon, Drew, Duer, Ellis, Gafford, Gill, Hassell, Henry, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Napier, Owen, Pickering, Pruitt, Robinson (Davidson), Robinson

(Washington), Severance, Shockley, Sir, Stafford, Stallings, Turner, Ussery, Wallace, Whitson, Williams, Wix, Wolfe, Wood and Work--62.

Representatives voting no were: Bewley, Bivens, Brewer, Copeland, Covington, Davis (Hamilton), Disspayne, Elsea, Ford, Gaia, Harrill, Hudson, Huskey, Kent, King (Washington), Kisber, Moore (Shelby), Moore (Sullivan), Nance, Rhinehart, Robertson, Robinson (Hamilton), Scruggs, Smith, Starnes, Tanner, Webb, Wheeler, Yelton and Mr. Speaker McWherter--30.

Representatives present and not voting were: Frensley and Shirley--2.

Mr. Wallace moved the previous question, which motion failed by the following vote:

Ayes	43
Noes	46
Present and not voting	3

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Chiles, Clark (Sumner), Dills, Disspayne, Duer, Elsea, Ford, Gafford, Harrill, Hassell, Henry, Hurley, Huskey, Jared, Kelley, King (Washington), McNally, Moore (Shelby), Moore (Sullivan), Murray, Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams and Yelton--43.

Representatives voting no were: Bell, Burnett, Byrd, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dixon, Drew, Ellis, Gaia, Gill, Herndon, Hillis, Johnson, Kent, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, Miller, Montgomery, Murphy, Naifeh, Owen, Pruitt, Robinson (Hamilton), Severance, Shirley, Sir, Stallings, Starnes, Turner, Withers, Wix, Wolfe, Wood and Work--46.

Representatives present and not voting were: Brewer, Frensley and Jones--3.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 828 by inserting the words "or 24% per annum, whichever is less" immediately following the words "percentage points" in the amendatory subsection (3) of Section 1.

Mr. McKinney moved that Amendment No. 3 be adopted, which motion prevailed by the following vote:

Ayes	87
Noes	4
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Owen, Percy, Pickering, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood and Work--87.

Representatives voting no were: Cobb, Gaia, Moore (Sullivan), and Yelton--4.

Representative present and not voting was: Covington--1.

Mr. McKinney moved that the House stand in recess for one hour for lunch, which motion failed by the following vote:

Ayes	34
Noes	55
Present and not voting	3

Representatives voting no were: Bell, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Pickett), DePriest, Dixon, Drew, Ellis, Gafford, Gill, Herndon, Hillis, Johnson, Jones, Kernell, King (Shelby), Love, McKinney, Miller, Montgomery, Murphy, Murray, Naifeh, Owen, Pruitt, Robinson (Hamilton), Turner, Withers and Work--34.

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Clark (Sumner), Crain, Davis (Gibson), Davis (Hamilton), Dills, Disspayne, Duer, Elsea, Ford, Frensley, Gaia, Harrill, Hassell, Henry, Hudson, Hurley, Huskey, Jared, Kelley, Kent, King (Washington), McAfee, McNally, Moore (Shelby), Moore (Sullivan), Nance, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Tanner, Ussery, Wallace, Webb, Whitson, Williams, Wix, Wolfe, Wood and Yelton--55.

Representatives present and not voting were: Kisber, Sir and Starnes--3.

Mr. McKinney moved to amend as follows;

AMENDMENT NO. 4

Amend Senate Bill No. 828 by adding the following new section immediately following section 3 and by renumbering the subsequent sections accordingly:

Section _____. Notwithstanding any provision of law to the contrary, every loan made by any banking institution authorized to do business in this state shall be subject to the provisions of this act.

Mr. Copeland moved that Amendments No. 4 be tabled, which motion failed by the following vote:

Ayes	44
Noes	50

Representatives voting aye were: Anderson, Atchley, Bewely, Bivens, Brewer, Clark (Sumner), Copeland, Disspayne, Duer, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry, Hudson, Huskey, Kent, King (Shelby), Kisber, McNally, Montgomery, Moore (Shelby), Murray, Nance, Percy, Pickering, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Williams, Wolfe and Yelton--44.

Representatives voting no were: Bell, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Elsea, Gill, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, Love, McAfee, McKinney, Miller, Moore (Sullivan), Murphy, Naifeh, Owen, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Turner, Wallace, Whitson, Withers, Wix, Wood and Work--50.

Thereupon, Amendment No. 4 was adopted by the following vote:

Ayes	51
Noes	42
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Dixon, Drew, Ellis, Gill, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Love, McAfee, McKinney, Miller, Murphy, Murray, Naifeh, Owen, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings, Turner, Wallace, Whitson, Withers, Wix and Work--50.

Representatives voting no were: Anderson, Atchley, Bewely, Brewer, Chiles, Clark (Sumner), Copeland, Disspayne, Duer, Elsea, Ford, Gafford, Gaia, Harrill, Hassell, Henry, Hudson, Huskey, Kent, King (Washington), Kisber, McNally, Montgomery, Moore (Shelby), Moore

(Sullivan), Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Williams, Wolfe, Wood and Yelton--43.

Representative present and not voting was: Frensley--1.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 828 by deleting the amendatory language of Section 1 and substituting instead the following language:

(3) "Formula rate" means an annual rate of interest which will provide/the lender with an amount of four percentage points above the cost of doing business by each lender. "Cost of doing business" as used in this item includes the cost of funds and all costs involved in the operation and doing business by each lender.

AND FURTHER AMEND by adding/the following new section:

Section _____. Tennessee Code Annotated, Section 47-14-103, is amended by adding the following new language:

The commissioner of banking is hereby authorized to audit any lender for determination that the rate of interest of such lender does not exceed the formula rate when applicable. Upon conviction of a violation of usury, in addition to any other penalty provided in this chapter, the commissioner of banking may revoke or suspend the right of a bank to do business in this state.

Mr. Robertson moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes	58
Noes	32
Present and not voting	3

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Chiles, Clark (Sumner), Copeland, Davidson, Davis (Hamilton), DeBerry, Disspayne, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry, Herndon, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Kisber, McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Percy, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--58.

Representatives voting no were: Bell, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davis (Gibson), Davis (Pickett),

(Sullivan), Nance, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Williams, Wolfe, Wood and Yelton--43.

Representative present and not voting was: Frensley--1.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 828 by deleting the amendatory language of Section 1 and substituting instead the following language:

(3) "Formula rate" means an annual rate of interest which will provide/the lender with an amount of four percentage points above the cost of doing business by each lender. "Cost of doing business" as used in this item includes the cost of funds and all costs involved in the operation and doing business by each lender.

AND FURTHER AMEND by adding/the following new section:

Section _____. Tennessee Code Annotated, Section 47-14-103, is amended by adding the following new language:

The commissioner of banking is hereby authorized to audit any lender for determination that the rate of interest of such lender does not exceed the formula rate when applicable. Upon conviction of a violation of usury, in addition to any other penalty provided in this chapter, the commissioner of banking may revoke or suspend the right of a bank to do business in this state.

Mr. Robertson moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes	58
Noes	32
Present and not voting	3

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Chiles, Clark (Sumner), Copeland, Davidson, Davis (Hamilton), DeBerry, Disspayne, Duer, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry, Herndon, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Kisber, McAfee, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Percy, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--58.

Representatives voting no were: Bell, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davis (Gibson), Davis (Pickett),

DePriest, Dills, Dixon, Drew, Gill, Hillis, Jones, Kernell, Love, McKinney, Miller, Naifeh, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stallings Turner, Wallace, Withers, Wix and Work--32.

Representatives present and not voting were: Brewer, Ellis and Owen--3.

Mr. McNally moved the previous question, which motion failed by the following vote:

Ayes	56
Noes	30
Present and not voting	4

Representatives voting aye were: Anderson, Bewley, Bivens, Chiles, Clark (Sumner), Copeland, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Disspayne, Dixon, Drew, Duer, Elsea, Ford, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hudson, Huskey, Jones, Kelley, Kent, King (Shelby), King (Washington), McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Shockley, Smith, Stafford, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood and Yelton--56.

Representatives voting no were: Bell, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, DeBerry, DePriest, Ellis, Herndon, Hillis, Hurley, Johnson, Kernell, Kisber, McKinney, Miller, Murphy, Murray, Naifeh, Robinson (Hamilton), Severance, Sir, Stallings, Turner, Wix and Work--30.

Representatives present and not voting were: Brewer, Frensley, Love and Owen--4.

Mr. Rhinehart moved the previous, which motion prevailed by the following vote:

Ayes	86
Noes	5

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--86.

Representatives voting no were: Bell, Burnett, Davis (Pickett), McKinney and Owen--5.

Thereupon, Senate Bill No. 828, as amended, passed its third and final consideration by the following vote:

Ayes	54
Noes	39
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Chiles, Clark (Sumner), Copeland, Davidson, Davis (Hamilton), Disspayne, Dixon, Drew, Duer, Elsea, Ford, Gafford, Gaia, Harrill, Hassell, Henry, Hudson, Huskey, Kent, King (Shelby), King (Washington), Kisber, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Starnes, Tanner, Ussery, Webb, Wheeler, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--54.

Representatives voting no were: Bell, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Ellis, Gill, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, Love, McAfee, McKinney, Miller, Murray, Naifeh, Robinson (Davidson), Shirley, Sir, Stallings, Turner, Wallace, Whitson, Withers, Wix and Work--39.

Representative present and not voting was: Frensley--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

Mr. McKinney moved that the House stand in recess for one hour for lunch, which motion failed by the following vote:

Ayes	35
Noes	52
Present and not voting	1

Representatives voting aye were: Atchley, Bell, Bivens, Byrd, Chiles, Clark (Davidson), Cobb, Davidson, DePriest, Duer, Ellis, Gafford, Gaia, Herndon, Jared, Jones, King (Shelby), Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Pickering, Rhinehart, Robinson (Davidson), Sir, Tanner, Turner, Wheeler, Williams, Withers and Work--35.

Representatives voting no were: Anderson, Bewley, Buck, Burnett, Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Hamilton), Dills, Disspayne, Dixon, Drew, Elsea, Ford, Frensley, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Johnson, Kelley, Kent, King (Washington), McAfee, McNally, Montgomery, Moore (Shelby), Nance, Phillips, Robertson, Robinson (Hamilton), Robinson (Washington),

Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--52.

Representative present and not voting was: Percy--1.

House Bill No. 806--To make provisions, certain retirees.

On motion, House Bill No. 806 was made to conform with Senate Bill No. 900.

On motion, Senate Bill No. 900, on same subject, was substituted for House Bill No. 806.

Mr. Gafford moved that Senate Bill No. 900 be passed on third and final consideration.

Mr. Gafford moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 900 by adding the following at the end of Section 1:

Upon the death of the retiree, any excess contributions resulting from the difference between the payment made by the retiree under this Act and the increase in benefits received after September 1, 1983 until his death shall be paid to his estate.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 900, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Murphy moved that House Bill No. 1085 be placed on the next available calendar, which motion prevailed.

Mr. Murphy moved that House Bill No. 1086 be placed on the next available calendar which motion prevailed.

House Bill No. 909--To establish center for Minority Research and Services.

Mr. Dixon moved that House Bill No. 909 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 909 by adding the following language at the end of Section 2:

The appropriation made in this section is subject to the approval of the commissioner of finance and administration and the Tennessee higher education commission.

On motion, the amendment was adopted.

Thereupon, House Bill No. 909, as amended, passed its third and final consideration by the following vote:

Ayes	73
Noes	17

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Gill, Hassell, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Shockley, Sir, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wheeler, Whitson, Williams, Withers, Work and Yelton--73.

Representatives voting no were: Bewley, Duer, Elsea, Ford, Harrill, Henry, Hudson, Kelley, McAfee, Robertson, Robinson (Washington), Scruggs, Smith, Wallace, Webb, Wolfe and Wood--17.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 937--To require Public Service Commission, conduct certain hearings.

Mr. Dixon moved that House Bill No. 937 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 937 by adding a new Section 5 as follows and redesignating the subsequent section accordingly:

Section 5. The provisions of this act shall apply only to any county having a population of not less than seven hundred fifty thousand (750,000) according to the federal census of 1980 or any subsequent federal census.

Mr. McKinney questioned the presence of a quorum:

A roll call was taken with the following results:

Present 89

Representatives present were: Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Phillips, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Thereupon, Amendment No. 1 failed by the following vote:

Ayes 34
Noes 38
Present and not voting 11

Representatives voting aye were: Bell, Bivens, Burnett, Byrd, Cobb, Davidson, Davis (Hamilton), DeBerry, Drew, Ellis, Gaia, Herndon, Hillis, Jones, Kernell, King (Shelby), Kisber, Love, McKinney, Miller, Moore (Sullivan), Murphy, Murray, Owen, Phillips, Robinson (Hamilton), Shirley, Stallings, Starnes, Turner, Wheeler, Withers, Work and Yelton--34.

Representatives voting no were: Anderson, Atchley, Bewley, Buck, Chiles, Clark (Sumner), Copeland, Crain, Davis (Gibson), Disspayne, Duer, Elsea, Ford, Gafford, Gill, Hassell, Henry, Hurley, Huskey, Johnson, Kelley, Kent, King (Washington), McAfee, McNally, Montgomery, Moore (Shelby), Nance, Robertson, Robinson (Washington), Scruggs, Sir, Tanner, Ussery, Whitson, Williams, Wolfe and Wood--38.

Representatives present and not voting were: Clark (Davidson), Covington, Frensley, Hudson, Naifeh, Rhinehart, Severance, Shockley, Stafford, Webb and Wix--11.

Mr. Dixon moved that House Bill No. 937 be re-referred to the Committee on State and Local Government, which motion prevailed.

Mr. Murphy moved that House Bill No. 1087 be placed on the next available Calendar, which motion prevailed.

House Bill No. 627--To allow sale of alcoholic beverages, certain clubs.

On motion, House Bill No. 627 was made to conform with Senate Bill No. 736.

On motion, Senate Bill No. 736, on same subject, was substituted for House Bill No. 627.

Mr. Murphy moved that Senate Bill No. 736 be placed on the next available Calendar, which motion prevailed.

House Bill No. 935--To enact the Model Prison Reform Act.

On motion, House Bill No. 935 was made to conform with Senate Bill No. 895.

On motion, Senate Bill No. 895, on same subject, was substituted for House Bill No. 935.

Mr. Cobb moved that Senate Bill No. 895 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 895 by deleting Sections 1-9 and substituting instead the following:

SECTION 1.

(a) In order to maintain continuity relative to present and future correctional policy in Tennessee and to provide a framework to guide a present and future correction administrations when making policy decisions,

the general assembly finds that a statutorily determined policy regarding certain important correctional issues is essential.

(b) Further, the general assembly encourages the department to initiate innovative programs, administrative policy and management techniques designed to operate the correctional system with maximum benefit at minimum cost and potential for violence as long as such policies and techniques are consistent with the framework of legislative intent established by this act.

SECTION 2. The intent of the general assembly regarding the labor of inmates within the correctional system is as follows:

(a) All inmates within the correctional system, except those designated by a judge, warden or medical personnel as being either too dangerous to society or physically unable, shall be required to perform some type of work. The general policy that all inmates be required to work should not be construed to apply to those inmates housed temporarily in classification centers.

(b) Where possible, such labor should be directed towards projects such as the manufacture or production of building materials, the production of items that are of practical use to state and local governments, the production of as much food and clothing for use by the correction system as possible, or the construction, renovation or repair of prison facilities to the extent that security and inmate skills permit.

(c) Inmates not engaged in work activities pursuant to subsection (b) and who are determined to be acceptable security risks should be utilized to perform work that might not otherwise be performed for state and local governments or nonprofit or charitable organizations. Such tasks would include land reclamation, repairing rural dams, maintaining drainage ditches, cleaning cemeteries, painting public buildings and schools, or other such tasks. Unless a judge, warden or medical personnel has determined, either by reason of public safety or physical incapacity, that an inmate should not work, the commissioner shall have the discretion to determine which inmates are acceptable security risks to perform work projects outside of department of correction facilities or property.

(d) Other departments of state government, particularly transportation and conservation, shall cooperate with the department of correction in the utilization of inmate labor for projects within such departments that are of value, but because of a lack of funds or personnel, might not otherwise be performed. The

commissioner of correction, with the advice of the appropriate department commissioner, shall have the authority to restrict the use of such inmate labor in certain areas and at such times as he determines to be necessary for the public safety or convenience.

(e) In addition to the intent of the general assembly set out in this section regarding inmate labor at the various correctional institutions, educational opportunities, particularly those teaching the basic skills, should be available at all institutions except the classification centers.

SECTION 3. A sound classification system is necessary for an efficient and manageable correctional system and because of its importance, the general assembly declares the following policy:

a) The classification system shall provide a meaningful case evaluation of each inmate prior to permanent placement and a continuing review and reclassification process throughout the inmate's period of incarceration.

b) The commissioner of correction shall have the discretion to determine the institutional location of inmates within the various security classification.

c) All information compiled by the department of correction pertaining to an inmate shall be readily available to the entity having authority for such inmate's release.

SECTION 4. The general assembly finds that the following policy statements regarding the criminal justice system are of importance to the state correction system are of importance to the state correction system:

a) Trial judges are encouraged to use alternatives to incarceration as long as such alternatives include requirements of reparation or victim compensation.

b) Trial judges shall be provided a pre-sentence report with sufficient information to make a proper evaluation and disposition of a defendant.

SECTION 5. The general assembly finds that a continuing evaluation of the impact of the state correction system upon local correction systems is essential to determine the method and amount of assistance, financial or otherwise, necessary to equitably compensate such local systems for their continuing role in the overall correction system of this state. Such evaluation may be accomplished by a Task Force composed of all facets of the criminal justice system.

SECTION 6. There shall be a statutory procedure whereby the governor, in conjunction with the parole board, has the discretion to effectuate the early release of inmates in order to bring the prison population within acceptable limits.

SECTION 7. All state correctional personnel shall receive appropriate and adequate training in the particular skills and requirements of the duties of their job.

SECTION 8. The department of correction shall provide adequate medical care, including twenty-four (24) hour emergency care, at all prison facilities. The department may contract with the county health department or other appropriate entities to secure trained medical personnel.

SECTION 9. If the department is planning the construction of additional state prison facilities, whether using inmate labor or otherwise, the commissioner shall determine if the requirements of applicable building or fire codes would compel additional expenses but are not necessary for the health or safety of the inmate occupants of such facility. The commissioner shall present such determinations to the state building commission which shall approve or disapprove them.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 895, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 35--To amend Criminal Sentencing Reform Act.

Mr. Murphy moved that House Bill No. 35 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 35 by deleting from SECTION 6 the final sentence of the amendatory language and substituting in lieu thereof, the following:

Upon such defendant becoming eligible for work release, furlough, trustee status or related rehabilitative programs as specified in Tennessee Code Annotated, Section 40-43-302(d), he may be placed in such programs by the sheriff or administrative authority governing the rehabilitative program.

AND FURTHER AMEND by deleting the amendatory language of SECTION 10 and substituting in lieu thereof, the following:

The determination as to whether a defendant convicted of a felony and sentenced to one (1) year or more who had not previously been granted release classification status under this act, should be granted such status shall be made by the administrative authority vested by law with authority over pardons and parole. In the case of felony sentences to be served in less than one year, release classification shall be determined by the sheriff or administrative authority governing the jail or workhouse. There shall be no parole on sentences of less than one (1) year.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 35 by adding the following new section immediately preceding the final section and by renumbering the final section accordingly:

Section _____. Tennessee Code Annotated, Section 40-43-106, is amended by deleting from subsection (a)(1) and (a)(2) the word "committed" and substituting instead the words "the convictions for which occurred".

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 35 by deleting Section 6 in its entirety and

by substituting in lieu thereof the following:

Tennessee Code Annotated, Section 40-43-211 is amended by adding the following at the end of subsection (2):

"If a defendant is convicted of an offense designated as a felony but the court imposes a sentence of less than one (1) year in the local jail or workhouse, or in a regional workhouse, such defendant shall be considered a felon but shall be sentenced as in the case of a misdemeanor, and therefore shall be entitled to sentence credits under Tennessee Code Annotated, Section 41-2-111. Upon such defendant becoming eligible for work release, furlough, trustee status or related rehabilitative programs as specified in T.C.A. 40-43-302(d), he may be placed in such programs by the sheriff or administrative authority having jurisdiction over the jail or workhouse."

and by adding the following new Sections 8 and 9 following the present Section 7 and by renumbering the succeeding sections accordingly:

Section 8. Tennessee Code Annotated, Section 40-43-302 is amended by deleting the period (".") at the end of the first sentence of subsection (b) and by adding the following:

", and credits awarded in accordance with Tennessee Code Annotated, Section 41-2-111."

Section 9. Tennessee Code Annotated, Section 40-43-302 is amended by adding at the end of subsection (d) the following:

"In determining the percentage of the sentence to be served in actual confinement the court shall consider the purposes of this act, the principals of sentencing, and the enhancement and mitigation factors set forth herein, and shall not impose such percentages arbitrarily."

and by adding a new section immediately prior to the effective date Section which reads as follows:

Section _____. Tennessee Code Annotated, Section 40-43-313 is amended by designating the existing language as subsection (a) and by adding a new subsection (b) which reads as follows:

"(b) Officials having responsibility for the custody and safekeeping of defendants may promulgate and enforce reasonable disciplinary rules and procedures requiring all able-bodied inmates to participate in work programs. Such rules and procedures may provide appropriate punishments for inmates who refuse to work including but not limited to increasing the amount of time the defendant must serve in confinement or changing the conditions of the defendant's confinement, or both. Any such increase in the amount of

time a defendant must serve for refusing to participate in a work program shall not exceed the sentence originally imposed by the court."

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 35 by adding the following new sections immediately preceding the final section and by renumbering the final section accordingly:

SECTION 17. Tennessee Code Annotated, Section 40-43-315, is amended by deleting the second sentence of subsection (b) in its entirety.

SECTION 18. Tennessee Code Annotated, Section 40-43-401, is amended by deleting the section in its entirety and substituting instead the following:

The time for filing the motion for new trial shall commence from verdict, consistent with Rule 33(b) of the Tennessee Rules of Criminal Procedure. The motion for new trial may, but is not required, to raise issues concerning sentencing under this chapter.

SECTION 19. Tennessee Code Annotated, Section 40-43-103, is amended by the following new numbered principles:

(6) Trial judges are encouraged to use alternatives to incarceration that include requirements of reparation, victim compensation or community service.

(7) Trial judges should consider the rated constitutional capacities of correctional facilities when determining whether to sentence a defendant to incarceration.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 35 by adding the following new sections immediately preceding the final section and by renumbering the final section accordingly:

SECTION ____ . Tennessee Code Annotated, Section 40-43-315, is amended by deleting the second sentence of subsection (b) in its entirety.

SECTION _____. Tennessee Code Annotated, Section 40-43-401, is amended by deleting the section in its entirety and substituting instead the following:

The time for filing the motion for new trial shall commence from verdict, consistent with Rule 3 (b) of the Tennessee Rules of Criminal Procedure. The motion for new trial may, but is not required, to raise issues concerning sentencing under this chapter.

SECTION _____. Tennessee Code Annotated, Section 40-43-103, is amended by the following new numbered principles:

(6) Trial judges are encouraged to use alternatives to incarceration that include requirements of reparation, victim compensation or community service.

(7) Trial judges should consider the rated constitutional capacities of correctional facilities when determining whether to sentence a defendant to incarceration.

On motion, the amendment was adopted.

Thereupon, House Bill No. 35, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Yelton--91.

Representatives voting no were: Harrill and Kent--2.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

House Bill No. 1193--To make certain provisions, Commissioner of Employment Security.

Mr. Hudson moved that House Bill No. 1193 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes	15
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter --75.

Representative voting no were: Bell, Brewer, Clark (Davidson), Covington, Davidson, BeBerry, Gill, Herndon, King (Shelby), Love, McKinney, Murray, Naifeh, Sir and Work--15.

Representative present and not voting was: Shirley--1.

A motion to reconsider was tabled.

Mr. Love moved that House Bill No. 186 be placed on the next available calendar which motion prevailed.

Mr. Love moved that House Bill No. 762 be placed on the next available calendar, which motion prevailed.

Mr. Smith moved that Senate Bill No. 769 be placed on the next available Calendar, which motion prevailed.

Mr. Robertson moved that the rules be suspended in order that the House may come from out under the Rule No. 27, which motion failed by the following vote:

Ayes	34
Noes	49
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bewley, Clark (Sumner), Cobb, Duer, Elsea, Frensley, Gaia, Harrill, Henry, Hudson, Huskey, Kernell, King (Washington), McNally, Moore (Sullivan), Murray, Nance, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Ussery, Wallace, Webb, Wheeler, Whitson, Williams and Wix--34.

Representatives voting no were: Bell, Bivens, Buck, Byrd, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Dispayne, Dixon, Drew, Ellis, Ford, Gafford, Gill, Hassell, Herndon, Hillis, Hurley, Jared, Johnson, Kelley, Kent, King (Shelby), Kisber, Love, McKinney, Montgomery, Moore (Shelby), Murphy, Naifeh, Napier, Phillips, Rhinehart, Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, Withers, Wolfe, Wood, Work and Yelton--49.

Representatives present and not voting were: Miller and Owen--2.

Mr. Covington moved that House Bill No. 657 be placed on the next available Calendar, which motion prevailed.

House Bill No. 587--To make provisions for child support and property settlement, divorce.

Mr. Murphy moved that House Bill No. 587 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 587 by deleting the period at the end of Subsection (h) of Section 1 and adding the following language and punctuation:

or as to child support

AND FURTHER AMEND by inserting the following language and punctuation before the period at the end of the first sentence of Subsection (i) of Section 1:

, and to make other orders as it deems appropriate

AND FURTHER AMEND by deleting the following language and punctuation from Subsection (b), Item 2 of Section 6:

and excluded by valid written agreement of the parties entered into before the marriage;

AND FURTHER AMEND by adding the following language and punctuation after the word "marriage" in line 6 of Subsection (b), Item 2 of Section 6:

except when characterized as marital property under (b) (1) of this section;

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 587 by adding to subsection (d) of the amendatory language of SECTION 1 the following new factor to be designated as (10) and by renumbering present factor (10) accordingly:

(10) The relative degree to which each party was at fault for the dissolution of the marriage;

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 587 by inserting between the word and punctuation mark "amount," and the words "and manner of" in subsection (d) of the amendatory language of SECTION 1 the words and punctuation mark "length of term,".

FURTHER AMEND by deleting from subsection (d) (4) of the amendatory language of SECTION 6 the word "opportunity" and substituting instead the words "relative ability".

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 587 by adding to subsection (d) of the amendatory language of Section 1 the following new subpart to be designated as subpart (10) and by renumbering present subpart (10) accordingly:

(10) The relative fault of the parties in cases where the court, in its discretion, deems it appropriate to do so;

FURTHER AMEND by deleting Sections 2 and 3 in their entirety and renumbering the remaining sections accordingly.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 587 by adding the following new section immediately preceding the final section and by renumbering the final section accordingly:

SECTION ____ . Tennessee Code Annotated, Title 36, Chapter 8, is amended by adding the following new section:

If the bonds of matrimony be dissolved at the suit of the plaintiff spouse, the defendant spouse shall not be entitled to any part of the real or personal estate of the plaintiff spouse in case of such plaintiff's intestacy. Any entitlement a spouse may have to alimony shall be decided on the basis of factors set forth in Section 36-820. However, when the cause of divorce is irreconcilable differences under Section 36-801, the foregoing provision shall not apply if the parties have entered into a written property settlement agreement wherein the plaintiff consents to the payment to the defendant of alimony, either in lump sum form or periodic payments; provided, that such property settlement is approved by the court granting the decree of divorce.

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 587 by adding at the beginning of Section 1 (d) the following:

It is the intent of the general assembly that whenever appropriate an order for payment of support and maintenance shall be rehabilitative and temporary.

AND FURTHER AMEND by designating in Section 1, subsection (d), subparts (3) and (4) as new subparts (1) and (2) respectively and by renumbering all remaining subparts accordingly.

AND FURTHER AMEND by deleting from Section 1 (h) the word "section" and by substituting instead the word "act".

AND FURTHER AMEND by inserting in Section 6 (b) (1) between the words "party" and "contributed" the word "substantially".

AND FURTHER AMEND by deleting from Section 6 (b) (1) the following:

", or where other circumstances justify characterization of the income and appreciation as marital property;"

AND FURTHER AMEND by deleting from Section 6 (b) (1) the words "as to those rights which were acquired" and substituting in lieu thereof the word "accrued".

AND FURTHER AMEND by deleting Section 6 (c) in its entirety.

AND FURTHER AMEND by deleting from Section 6 (h) the word "section" and by substituting instead the word "act".

AND FURTHER AMEND by adding at the end of Section 6 (h) following:

Nothing in this act shall affect validity of an antenuptial agreement which is enforceable under Tennessee Code Annotated, Section 36-606.

On motion, the amendment was adopted.

Thereupon House Bill No. 587, as amended, passed its third and final consideration by the following vote:

Ayes	62
Noes	20
Present and not voting	3

Representatives voting aye were: Anderson, Bell, Bivens, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Dixon, Drew, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Herndon, Hillis, Hurley, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Phillips, Pickering, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Stafford, Starnes, Tanner, Turner, Wallace, Williams and Withers--62.

Representatives voting no were: Atchley, Bewley, Davidson, DePriest, Disspayne, Gafford, Henry, Huskey, McAfee, Robertson, Smith, Stallings, Ussery, Webb, Wheeler, Whitson, Wolfe, Wood, Work and Yelton--20.

Representatives present and not voting were: Covington, Rhinehart and Wix--3.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

- 1201--To regulate sale, beer, Anderson County;
- 1221--To amend Charter, Burns;
- 1235--To amend Charter, Kingsport;
- 1236--To regulate term of office, certain elected officials, Harriman;
- 1237--To amend Charter, Dunlap;
- 1238--To require certain building permits, Campbell County; all

passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following bill on the Consent Calendar:

Mr. Severance objected to House Bill No. 991.

Under the rules, House Bill No. 991 was placed at the foot of the Calendar for Wednesday, May 11, 1983.

House Joint Resolution No. 141--Relative to creating Goodwyn Institute.

House Bill No. 676--To make certain provisions, motor vehicle registration.

On motion, House Bill No. 676 was made to conform with Senate Bill No. 416.

On motion, Senate Bill No. 416, on same subject, was substituted for House Bill No. 676.

House Resolution No 62--Relative to study, annexation.

House Bill No. 1336--To set coon season, Grainger County.

House Bill No. 1335--To set coon season, Jefferson County.

House Bill No. 1314--To set coon season, Hancock County.

House Joint Resolution No. 214--Relative to study services for blind.

House Bill No. 1319--To amend Charter, Burns.

On motion, House Bill No. 1319 was made to conform with Senate Bill No. 1221.

On motion, Senate Bill No. 1221, on same subject, was substituted for House Bill No. 1319.

House Resolution No. 67--Relative to congratulating Jefferey Adams Bailey.

House Joint Resolution No. 235--Relative to congratulating Twila Walker.

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House Joint Resolution No. 236--Relative to congratulating Linda Guthrie and Melinda Howser.

House Bill No. 1337--To make provisions, employment residency requirements, Harriman.

House Bill No. 1339--To enact Accounting and Budgeting Procedures Law, Henry County.

House Bill No. 1340--To increase terms of office, certain officials, Harriman.

On motion, House Bill No. 1340 was made to conform with Senate Bill No. 1236.

On motion, Senate Bill No. 1236, on same subject, was substituted for House Bill No. 1340.

House Bill No. 1341--To amend Charter, Dunlap.

On motion, House Bill No. 1341 was made to conform with Senate Bill No. 1237.

On motion, Senate Bill No. 1237, on same subject, was substituted for House Bill No. 1341.

House Bill No. 1342--To amend Charter, Covington.

House Bill No. 1346--To provide hospital care for indigent, Dyer County.

House Bill No. 1347--To vest juvenile jurisdiction, Johnson County.

House Bill No. 1311--To set coon season, Roane County.

House Bill No. 1327--To set coon season, Fentress, Overton and Morgan Counties.

House Bill No. 1241--To enact the Metropolitan Hearing Officer Act.

On motion, House Bill No. 1241 was made to conform with Senate Bill No. 1153.

On motion, Senate Bill No. 1153, on same subject, was substituted for House Bill No. 1241.

House Bill No. 796--To make certain provisions, city judge, Norris.

On motion, House Bill No. 796 was made to conform with Senate Bill No. 515.

On motion, Senate Bill No.515, on same subject, was substituted for House Bill No. 796.

House Bill No. 1338--To amend Charter, Kingsport.

On motion, House Bill No. 1338 was made to conform with Senate Bill No. 1235.

On motion, Senate Bill No. 1235, on same subject, was substituted for House Bill No. 1338.

House Bill No. 1334--To regulate sewage disposal systems, certain counties.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILLS

Senate Bill No. 44--To regulate sale, substances purporting to be certain controlled substances.

Mr. McNally moved that the House refuse to recede from its action in adopting Amendments Nos. 1, 2, 3, 4, 5, 6 and 7, which motion prevailed.

House Bill No. 64--To change Alcoholic Beverage Commission.

Mr. Davis (Hamilton) moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to House Bill No. 64, which motion prevailed.

Mr. Davis (Hamilton) moved that the Speaker appoint a Conference Committee to meet with a like committee from the Senate to resolve the differences between the House and Senate on House Bill No. 64, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Davis (Hamilton), Moore (Shelby) and Davidson as the Conference Committee on House Bill No. 64.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 206

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 206 (Senate Bill No. 88) has met and recommends that House amendment 1 be adopted and that Senate amendment 1 be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND in Section 5 by deleting the words "new language at the end of the subsection" and substituting the words "new item at the end of subsection (a)(1)".

Representative Dale R. Kelley	Senator Milton H. Hamilton
Representative Mike Robertson	Senator Ben Atchley
Representative Frank Buck	Senator Bill Ortwein

Mr. Kelley moved that the Report of the Conference Committee on House Bill No. 206 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	91
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work and Yelton--91.

Representative voting no was: King (Washington)--1.

Mr. Speaker McWherter was present.

A motion to reconsider was tabled.

Mr. Whitson moved that action on House Bill No. 491 be deferred until Wednesday, May 11, 1983, which motion prevailed.

Mr. Murphy moved that action on House Bill No. 779 be deferred until Wednesday, May 11, 1983, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE BILL NO. 835

House Bill No. 835--To make certain provisions, alcoholic beverage taxes.

Mr. Severance moved that the motion to reconsider House Bill No. 835 be lifted from the table, which motion prevailed.

Mr. Severance moved that the House reconsider its action in passing House Bill No. 835 on third and final consideration, as amended, which motion prevailed.

Mr. Severance moved that the House reconsider its action in nonconcurring in Senate Amendment No. 1, which motion prevailed.

Mr. Severance moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	84
Noes	2
Present and not voting	6

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wood, Work and Yelton--84.

Representatives voting no were: Dills and Huskey--2.

Representatives present and not voting were: Anderson, Atchley, Herndon, Shockley, Stafford and Wolfe--6.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

257--To amend Section 29-14-101, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1072--To make certain provisions, Tennessee Energy Authority; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1088--To make certain provisions, county tax law; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

615--To amend Business Tax Act; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1047--To make certain provisions, municipal airports; substituted

for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1177--To make certain provisions, unemployment compensation; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

826--To make certain provisions, state employees insurance; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 587--Robinson (Washington), Duer, Montgomery

House Bill No. 909--Love

House Bill No. 1312--Clark (Sumner)

Mr. Robinson (Davidson) moved that the rules be suspended for the purpose of considering the motion to amend House Rules out of order, which motion prevailed by the following vote:

Ayes	72
Noes	11
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett),

Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Frensley, Gafford, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Kisber, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Wheeler, Whitson, Williams, Withers, Wix, Wolfe and Wood--72.

Representatives voting no were: Bell, DePriest, Ford, Gill, Hurley, Murray, Naifeh, Robinson (Hamilton), Turner, Webb and Work --11.

Representative present and not voting was: Covington--1.

Mr. Kernell asked to be recorded as voting "aye".

MOTION TO AMEND HOUSE RULES

Mr. Speaker,

I move you, Sir, that House Rule 65 be amended to add the following new sentence:

All meetings of this House and the Committees thereof shall be held in compliance with provisions of the Sunshine Law, codified as Tennessee Code Annotated, Title 8, Chapter 44, Part 1.

Robinson (Davidson)

Mr. Robinson (Davidson) moved that the proposed amendment to Rule No. 65 be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, May 11, 1983:

- House Bill No. 257--Rhinehart
- House Bill No. 615--Stafford
- House Bill No. 1047--Scruggs
- House Bill No. 1072--Murphy
- House Bill No. 1088--Kent
- House Bill No. 1177--Hudson
- Senate Bill No. 564--Murphy
- Senate Bill No. 663--Davis (Pickett)

SECOND ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

INTRODUCTION OF BILLS

House Bill No. 1350--To provide for West Carroll Special School District--By Kelley and Mr. Speaker McWherter.

Passed first consideration.

House Bill No. 1351--To amend Charter, Bristol--By Moore (Sullivan).

Passed first consideration.

House Bill No. 1352--To regulate trapping, Clay County--By Davis (Pickett).

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 24--To regulate operation, mental health institutes.

Passed first consideration.

Senate Bill No. 26--To repeal the Presidential Convention Delegate Act of 1976.

Passed first consideration.

Senate Bill No. 651--To amend Section 2-19-116, Code.

Passed first consideration.

Senate Bill No. 917--To regulate Tennessee Parkway System.

Passed first consideration.

Senate Bill No. 940--To provide supplement, improvement of juvenile court services.

Passed first consideration.

Senate Bill No. 1197--To amend Charter, Murfreesboro.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1345--To amend Road Law, Lake County.

Passed second consideration and held without reference.

House Bill No. 1348--To provide for bonds, Celina Port Authority.

Passed second consideration and held without reference.

House Bill No. 1349--To amend Charter, Ashland City.

Passed second consideration and held without reference.

House Bill No. 1353--To provide certain authority, city council, Clarksville.

Passed second consideration and held without reference.

REPORTS FROM STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bill No. 512.

RHINEHART, Vice Chairman.

Under the rules, House Bill No. 512 were transmitted to the Committee on Calendar and Rules.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1344.

ROBINSON (Davidson), Chairman.

Under the rules, House Bill No. 1344 were transmitted to the Committee on Calendar and Rules.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1277--To regulate industrial loan and thrift companies; substituted for Senate Bill on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 545, 1158 and 1277; and House Joint Resolutions Nos. 53 and 249; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,
Chief Engrossing Clerk.**

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 545, 1158 and 1277 and House Joint Resolutions Nos. 53 and 249.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 271, 545, 1127, 1158, 1180, 1277 and 1304; also, House Joint Resolutions Nos. 53, 142, 231, 239 and 249; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1277; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

222--Relative to memory, Fred L. Dugger;

244--Relative to memory, Paul V. Coffman; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

711--To prohibit placing of certain items, public property;

960--To amend Section 48-2202, Code;

1009--To amend Section 7-82-308, Code;

1135--To amend Employment Security Law;

1144--To repeal Section 8-23-207, Code;

1190--To exempt certain group homes, Buildings Accessibility Act;

1306--To provide for Juvenile and Probate Court, Henry County;

1307--To increase Humphreys County Port Authority;

1326--To levy wheel tax, Henry County;

1331--To amend Charter, Henderson;

1333--To create office of County Attorney, Hawkins County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

689--To regulate system, duplicate registration records;

764--To regulate Workers' Compensation Law;

913--To regulate transfer, certain law enforcement officers; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 9 and 1196; and House Resolutions Nos. 29, 49, 55, 68, 69, 70, 71, 72, 73, 75 and 77; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 9 and 1196; House Resolutions Nos. 29, 49, 55, 68, 69, 70, 71, 72, 73, 75 and 77.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative

delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1345, 1348, 1349 and 1353.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, May 11, 1983: House Bill No. 193; House Joint Resolution No. 230 House Bills Nos. 1345, 1348, 1349 and 1353.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 35, 574, 587, 909, 989, 994, 1056, 1193, 1311, 1314, 1327, 1334, 1335, 1336, 1337, 1339, 1342, 1346 and 1347; and House Joint Resolutions Nos. 141, 214, 235 and 236; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 271, 545, 1127, 1158, 1180 and 1304; and House Joint Resolutions Nos. 53, 142, 231, 239 and 249; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 11, 1983: House Bills Nos. 117, 387, 391, 400, 678, 790, 872, 911, 1064, 1115, 1233; House Joint Resolution No. 197; House Bills Nos. 1323, 1140; Senate Bill No. 676 and House Bills Nos. 761 and 750.

GILL, Chairman.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 711, 835, 960, 1009, 1135, 1144, 1190, 1306, 1307, 1326, 1331 and 1333; House Resolution Nos. 62 and 67; and House Joint Resolutions Nos. 222 and 244; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 60, 288, 301, 338, 461, 542, 585, 703, 745, 756, 760, 765, 768, 788, 847, 867, 884, 958, 1061, 1065, 1066 and 1236; also, Senate Joint Resolutions Nos. 74, 102, 103 and 106; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MOTION FILED UNDER RULE NO. 52

MR. SPEAKER: I wish to advise the House that at a later date I will make a motion to recall House Bill No. 1344 from the Committee on Calendar and Rules for the purpose of placing said bill on the Calendar for third and final reading, as provided for in Rule No. 52.

Bob Gafford.

Under the rules, the motion lies over.

Mr. Naifeh moved that in accordance with House Joint Resolution No. 249, the House stand in recess until 12:00 o'clock Noon, Wednesday, May 11, 1983, which motion prevailed.